IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1138 OF 2002

IN

SUMMONS FOR JUDGMENT NO.1371 OF 2000

IN

SUMMARY SUIT NO.5706 OF 1999

1.Mrs.Lata Agarwal & others. ...Appellants.

vs.

Organic Coatings Ltd. ...Respondent.

Mr.B.B.Saraf with Mr.S.K.Chandarana i/b. Mr.P.H.Chande, for Appellants.

Ms.Sonali Humane i/b. S.S.Pakale, for Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 1st November,2007.

P.C.:-

1. This appeal is filed by the original defendants in Summary Suit no.5706 of 1999. In that suit, summons for judgment no.1371 of 2000 was taken out. In that summons for judgment leave to defend was granted to the defendants subject to the condition that he deposits Rs.25 lakhs in the Court. This order is challenged in the appeal. There was a notice of motion taken out in this appeal being Notice of Motion no.3369 of 2002. This Court by order dated 19.12.2002 granted stay of the order granting conditional leave subject to the condition that the appellants deposit Rs.25 lakhs in this Court within four weeks from 19.12.2002. The appellants challenged that order in the Supreme Court. The Supreme Court by order dated 2.5.2003 declined to grant special leave to appeal, with the result there was no interim order operating and the appellants also did not comply with the either of the order i.e. the order of the appeal Court as also the order passed by the learned Single Judge. Therefore, the

suit itself was placed before the learned Single Judge of this Court for decree. By order dated 3.6.2003, the suit has been decreed. Thus, now as a result of the decree passed in the suit nothing survives in the appeal. The appeal, therefore, is disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)